

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

DOCKET NUMBER 1610-N-114-L

RE: APPLICATION OF RELIABLE TRANSPORTATION, LLC TO
OPERATE FOUR (4) MOTOR VEHICLES, HAVING A SEATING
CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL
LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT
FROM A HEADQUARTERS IN VERNON.

FINAL DECISION

DECEMBER 2, 2016

I. INTRODUCTION

A. General

By application filed on October 11, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Reliable Transportation, LLC ("applicant") with a mailing address of 48 Windsor Avenue, Vernon, CT 06066 seeks authorization to operate four (4) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Vernon.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on November 23, 2016.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required pursuant to the Connecticut General Statutes Section 13b-103. Legal notice to the public was given by publication on the department's website.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17, conducted the hearing on this matter.

C. Appearances

Muhammad Kahn appeared on behalf of the applicant. The applicant was represented by Chester Bukowski, Esq. with a mailing address of 17 Cherry Tree Lane, Avon, Connecticut 06001.

II. FINDING OF FACTS

1. The applicant seeks to operate four (4) motor vehicles in intrastate livery service from a headquarters in Vernon.
2. Mr. Kahn has five years of experience operating a livery service with his father in New York.
3. Mr. Kahn has two brothers and a friend who will help in the office administration. One of his brothers, Muhammed Shehzad Kahn, also has past livery experience.
4. Doctor Elizabeth Webb supported the applicant at the hearing. Dr. Webb is a family practitioner. Her patients are often late or miss appointments because of transportation issues. In addition, they may have to wait long periods to get rides home. Dr. Webb will refer her patients to the applicant for their transportation needs.
5. Heather Steadward is the office manager for Dr. Webb. She concurs with the testimony of Dr. Webb and has made complaints about the bad transportation the patients are receiving but no improvements have been made. Transportation problems are a daily occurrence.

6. Erum Shahab is a Psychiatrist in Ellington. Dr. Shahab's patients are frequently late to appointments. There are times when she can't close the office because her patients are still waiting for a ride home. Dr. Shahab also has dealt with rude drivers. Dr. Shahab will refer her patients to the applicant on a daily basis.

7. Novia McLaren is a Licensed Family Therapist. Her patients also have issues with transportation. She would refer her clients to the applicant.

8. Janae Schneider is a social worker in Ellington. She runs group therapy sessions which are often disrupted by the transportation issues. This is a daily problem for her because her clients come in late. She will also refer her clients to the applicant.

9. The applicant's first six months of expenses includes office expenses of \$10,900, insurance of \$22,100, subcontractor expenses of \$46,080, repairs of \$10,000, property tax of \$1,020, vehicle expenses of \$30,518 and dispatch of \$6,200 for a total expense of \$126,818.

10. The applicant has \$164,800 in a Webster Bank account.

11. The application was not opposed.

III. DEPARTMENT ANALYSIS

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to Connecticut General Statutes Section 13b-102, as amended.

In determining whether a livery permit should be granted, the department shall take into consideration the present or future public convenience and necessity. The applicant must prove that the public's convenience and necessity will be improved by the proposed service. Additionally, the applicant must show the suitability of the applicant or the suitability of the management if the applicant is a limited liability company or corporation, the financial responsibility of the applicant, the ability of the applicant efficiently and properly to perform the service for which authority is requested and the fitness, willingness and ability of the applicant to conform to the provisions of the statutes and the requirements and regulations of the department thereunder, in accordance with Connecticut General Statutes Section 13b-103.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

The financial review conducted by the department in livery applications is simply whether

the applicant can operate the business for the first six months without relying on revenue which is speculative. In support of financial wherewithal the applicant presented evidence the applicant's first six months of expenses includes office expenses of \$10,900, insurance of \$22,100, subcontractor expenses of \$46,080, repairs of \$10,000, property tax of \$1,020, vehicle expenses of \$30,518 and dispatch of \$6,200 for a total expense of \$126,818. The applicant has \$164,800 in a Webster Bank account and is therefore can adequately cover those expenses.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Muhammad Kahn which showed no convictions. Mr. Kahn has prior livery experience working with his father and appears ready to operate the service. Based on the evidence presented, the applicant has proven the required suitability and fitness and ability to be granted a livery permit.

The applicant must also prove public convenience and necessity. The applicant presented several witnesses in the medical field who have patients with transportation issues. The lack of quality transportation is having a negative aspect on their practices and causing stress to the patients. The applicant's service would provide a reliable form of transportation and improve public convenience and necessity.

Based on the evidence presented, the applicant has proven the required elements to be granted livery authorization.

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Reliable Transportation, LLC is hereby granted and Livery Permit Number 3571 is issued as follows:

LIVERY PERMIT NO. 3571 **FOR THE OPERATION OF LIVERY SERVICE**

Reliable Transportation, LLC is hereby permitted and authorized to operate four (4) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Vernon.

RESTRICTIONS:

The applicant must register the four (4) vehicles granted under this decision within sixty (60) days from the date of this final decision.

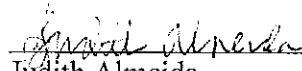
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

This permit shall remain in effect until it is amended, suspended or revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut on this 2nd day of December 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration